OVERNMENT OF MADRAS. Revlt. II-28 —60,50

A (1953.) Department.

M

Endorsement
D.O.
Memorandum ✓
Lodged

No. 43427/53-1B

Dated 10-9-1953.

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

From SRI K.G.MENON I.C.S.,
Inspector of Ml.Cls.& Local Boards, Madras 1.

To The Secretary to Government,
Local Administration Department, Madras.

L.Dis.No.54396-53 dated 1-9-1953.

Sir,

Sub:- Committee - Mangalore Municipal Council - Legal Committee - Interested councillor taking part in the discussion - section 353-A - Sanction of Government - request.

...

I forward herewith the letter of the Municipal Commissioner, Mangalore, C3.No.12215-53 dated 13-8-1953 for issue of such orders as the Government deem fit.

for Inspector.

ENCLOSURE:-
Letter C3.No.12215-53 d/13-8-53 of the Ml.Commissioner, Mangalore with its enclosures.
L.P.3-9-53.

3.12215/53. Municipal Office, Mangalore
Dated 13th Aug., 195

From
Sri. L. C. Richard, M.A., 3
Commissioner, Mangalore Municipality, 54396
Mangalore.

To
The Inspector of Municipal Councils & Local Boards
Madras.

Through: The Chairman, Municipal Council, Mangalore.

Sir,

Sub: Council - penalties liable to be imposed on Interested Councillor taking part in the discussion of the legal committee - section 353A - sanction of Government.

I submit herewith copies of the proceedings of the Legal Committee of the Municipal council dated 23.6.53 and 27.6.53 to-gether with a copy of the letter dated 15.7.53 received from Sri. Christian Kariyappa, Municipal Councillor, requesting to prosecute, Sri. U. Ahmed Hussain, Municipal ouncillor for taking part in the discussion of the meeting f the Legal Committee in contravention of section 30(1) f the M.D.M. Act, for your kind information.

Under section 353A of the M.D.M.Act sanction of the overnment is necessary for prosecuting any councillor when e is accused of any offence alleged to have been committed y him while acting or purpurting to act in the discharge f his official duty. Hence the matter is brought to our notice.

Sri. U. Ahmed Hussain is a sitting member of the council nd also a member of the Legal Committee.

I am satisfied that the Councillor has committed the ffence in ignorance of the rules and presuming that he is member of the Legal Committee, he took part in the discussi f the Legal Committee.

It is submitted that the Councillor may be admonished/this time s the subject matter in which he took part in discussion t the meeting of the Committee was not disposed off on 3.6.53 and 27.6.53. The subject is still pending final ecision of the committee.

I request early orders.

Forwarded
Chairman, M.C.

Commissioner M.M.

.17.8.
Compd.

Proceedings of the meeting of the Legal Committee of the Municipal Council, Mangalore held in the Municipal Office on Tuesday the 23rd June, 1953 at 5.15 P.M.

Present:

1. K. S. N. Adiga.
2. U. Ahmed Hussain.
3. M.S.Nayak.
4. Madhava Kamath.
5. Christian Karyappa.
6. J.B.Machado.

E2.10660/51 and E2.16951/50. File of papers relating to the encroachment made by Sri. U. Ahmed Hussain along T.S.No.20 and 570 of 20th ward coming up from the last meeting.

Sri. D. Mohan Rao, Advocate for Sri. U. Ahmed Hussein explained the case of Sri. U. Ahmed Hussein.

At this stage Sri. K. S. N. Adiga, Chairman wanted to leave the meeting to attend another Committee meeting, at ~~xxxxx~~ request of the members meeting adjourned for further consideration.

Sd. K. S. N. Adiga,
Chairman

(True copy)

Commissioner.

Proceedings of the meeting of the Legal Committee held in the Municipal office, Mangalore on 27th June, 1953 at 4.30 P.M.

Present: Sri. Mahadeva Kamath
Sri. Mahadeva Suvarna.
Sri. Gajanana Rao Pandit.
Sri. M. Srinivas Nayak.
Sri. Christian Karyappa.
Sri. Narayana Murthy
Sri. Mohan Shenoy.
Sri. B.B.Machado.
Sri. Ahmed Hussein.

E2.10660/52 and E2.16951/50. File of papers relating to the encroachment made by Sri. U. Ahmed Hussain along T.S. No.20 and 570 of 20th ward coming up from the last meetin

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1. Sri. Christian Kariappa raised a preliminary objection that under section 322 of the M.D.M.Act no appeal lies before the council for offences committed under sections 180(a) and 182 of the M.D.M.Act.

Sri. M. Srinivas Nayak opined that an appeal does lie before the council under sections 183 read with sec. 322(c)

The Committee by a majority is of the openion that the file of papers together with any documents produ by ~~xxixxxx~~ Sri. Ahmed Hussein may be gone through by the Commissioner M.M. and a note ~~g~~iving his opinion ~~on that~~ the subject may be submitted by him to this committee at its next meeting.

At this juncture when Sri. Ahmed Hussein took part in discussion Sri. Christian Kariappa objected to the presence of Sri. Ahmed Hussein at this meeting under section

30 of the M.D.M.Act.

Sri. Srinivas Nayak is of the opinion that since Sri. Ahmed Hussein is a member of the legal Committee he could take part in the proceedings of this Committee but cannot vote on a subject where he is interested.

Sri. Mahadeva Kamath agrees with the opinion of Sri. Srinivas Nayak.

Sd. J.B. Machado,
Presiding Member.

ue copy)

Commissioner/M.M.

Copy of letter dated 15th July, 1953 from Sri. Christian Karyappa, Mangalore.

Sub: Penalties liable to be imposed on Interested Councill taking part in discussion vide Sec.30-(1) of MDM Act.

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Your attention is drawn to the Proceedings of the Legal Committee held on 27th June, 1953, wherein you will observe that a directly interested Councillor Sri. U. Ahmed Hussein, had taken part in the discussions of the said Meeting in contravention of Sec.30-(1) of the M.D.M.Act, Therefore, I request you to prosecute the said Councillor within three months from the date of thecommission of the offence, as provided by the Sec.347 of the said Act.

Yours faithfully,

Sd. Christian Karyappa

Member, Legal Committee
Mangalore Municipal Council

copy to:-
The Secretary,
Local Administration Department,
Government of Madras, Madras.

(True co py)

Commissioner

Mlty.- Mangalore - Legal Committee - Interested ml. councillor taking part in discussion.

Com 43427 - from the Commr., Mangalore Mlty., C2 12215/53 dated 13.8.53

" " from the Secy. to Govt. R.D. & L.B.S., L-DS-MD-5635 dated 1.9.53.

Memo. No. 43427 B/53-1 (A)-D(1)(2)

To The Commissioner, Mangalore mlty. is informed that (it was/open) under section 30(2) of the M.D.M. Act, to the chairman of the legal committee of the ml.cl., to ~~prohibit~~ prohibit the councillor referred to in his letter cited from taking part in the discussion relating to the subject in question in the committee. Govt. do not therefore propose to ~~interfere~~ interfere in the matter.

9/9/53

7.9.53

9/9/53

To
The Commr.,
Mangalore Mlty., (thro' the CMC.)
Copy to the Secy. to Govt. R.D. & L.B.S.
Yes 2.